

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LATOYIA MCSWINE, )  
                        )  
                        )  
*Plaintiff,*         )  
v.                      )         Case No. 1:20-cv-04417  
                        )  
                        )  
GONSALO MORENO, and )  
TRUCKS FOR YOU, INC., )  
                        )  
                        )  
*Defendants.*         )

**NOTICE OF REMOVAL**

Defendants, GONSALO MORENO and TRUCKS FOR YOU, INC. (“Defendants”), through their attorneys, WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, remove this action from the Circuit Court of Cook County, Illinois, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. As grounds, Defendants state:

**PROCEDURAL HISTORY**

1. This is a personal injury action involving a July 11, 2018, collision between vehicles operated by Plaintiff, Latoya McSwine and Defendant Gonsalo Moreno.
2. On June 25, 2020, Plaintiff filed a two-count complaint in the Circuit Court of Cook County, Illinois, Law Division, Case No. 2020 L 006806. (**Exhibit A**, Complaint).
3. On June 30, 2020, summons was issued for Defendants Gonsalo Moreno, and Trucks For You, Inc., (**Exhibit B**, Gonsalo Moreno and Trucks For You., Inc. - Summons).

**GROUND FOR REMOVAL**

4. A defendant may remove any civil action brought in a State court for which the district courts of the United States have original jurisdiction to the federal district court encompassing the place in which the action is pending. 28 U.S.C. § 1441(a).

5. This Court has original jurisdiction over this action by reason of complete diversity of citizenship and an amount in controversy which exceeds the sum or value of \$75,000, exclusive of interests and costs. 28 U.S.C. § 1332(a).

**THE PARTIES ARE OF DIVERSE CITIZENSHIP**

6. Plaintiff Latoya McSwine is a citizen of the State of Illinois.
7. Defendant Gonsalo Moreno is a citizen of the State of Texas. (**Exhibit C**, Gonsalo Moreno Affidavit of Citizenship).
8. At the time this action was commenced and since that time, Defendant Trucks For You, Inc., has been an Oklahoma Corporation with its principal place of business in Muskogee, Oklahoma. None of its members are citizens of Illinois. (**Exhibit D**, Trucks For You, Inc. Affidavit of Citizenship).
9. As such, complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332. *See Wis. Dept of Correction v. Schacht*, 524 U.S. 381, 388, 118 S. Ct. 2047, 2052 (1998); *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 65, 117 S. Ct. 467, 471 (1996).

**AMOUNT IN CONTROVERSY IS SATISFIED**

10. Plaintiff has alleged that the amount in controversy in this matter exceeds \$75,000. (**Exhibit E**, Plaintiff's Demand Letter).

**THE STATUTORY REQUIREMENTS OF 28 U.S.C. § 1446 ARE SATISFIED**

11. Defendants filed this Notice of Removal within thirty (30) days of receipt of Plaintiff's demand alleging that the amount in controversy in this matter exceeds \$75,000, and therefore, this Notice of Removal is timely. 28 U.S.C. § 1446(b)(3).
12. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332 (a)(1).
13. The State Court Action is properly subject to removal pursuant to 28 U.S.C. § 1332 (a)(1).

14. Defendants are filing, within this pleading, a copy of the Complaint and Summons served upon them in the state court action. 28 U.S.C. § 1446(a).
15. Promptly after filing this Notice of Removal, Defendants will provide written notice to all adverse parties of the filing, and a true and correct copy of this Notice of Removal will be filed with the Clerk of the Circuit Court of Cook County, Illinois, as required by 28 U.S.C. § 1446(d).
16. Defendants Gonsalo Moreno and Trucks For You, Inc., each consent to removal.
17. By filing this Notice of Removal, Defendants Gonsalo Moreno and Trucks For You, Inc., do not waive any available defenses, including all jurisdictional and affirmative defenses.
18. The undersigned counsel for the Defendants has read the foregoing and signed this Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil Procedure, as required by 28 U.S.C. § 1446(a).

WHEREFORE, Defendants GONSALO MORENO and TRUCKS FOR YOU, INC., hereby remove the instant action from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division, and respectfully request that this Court exercise jurisdiction over this action.

Respectfully Submitted,

By: /s/ Karen N. Arenas  
Attorneys for GONSALO MORENO and  
TRUCKS FOR YOU, INC.

Kathleen McDonough (ARDC # 6229813)  
kathleen.mcdonough@wilsonelser.com  
Karen N. Arenas (ARDC #6325514)  
karen.arenas@wilsonelser.com  
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP  
55 W. Monroe Street, Suite 3800  
Chicago, IL 60603  
Telephone: 312.704.0550 | Fax: 312.704.1522

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to Plaintiff's counsel via e-mail on this 28th day of July, 2020:

Scott D. DeSalvo  
Stacia Peterson  
Law Office of Scott D. DeSalvo  
200 N. LaSalle Street, Suite 2675  
Chicago, IL 60601  
service@desalvolaw.com

*/s/ Karen N. Arenas*

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Karen N. Arenas